

Testimony of Congressman Michael H. Michaud
Before the Subcommittee on Human Rights and Wellness

Thank you for having me here today, Mr. Chairman, it's an honor to testify before my esteemed colleagues.

Chairman Burton, you have led the way to addressing the health risks of mercury in health care, and trying to get our federal agencies to recognize the breadth of this problem.

Congresswoman Watson, as a state Senator you wrote the first law in the country addressing the health risks of mercury fillings, a pioneering statute for subsequent bills and laws in other states.

Despite the strenuous efforts both of you have made, as I understand it, major roadblocks have been erected. Thus federal agencies have not yet provided the warnings that the science demonstrates they should, and California regulators, despite repeated efforts, have still not implemented the Watson Law.

Perhaps, then, our experience in Maine to get consumer disclosure can be instructive. After several-years the legislature passed my bill to require informed choice about mercury dental fillings. After another year of intense follow through and passage of a second bill, we were able to implement it.

Thus Maine has the first-in-the-nation consumer brochure that tells people they better think twice before agreeing to have mercury fillings implanted in their children.

The need for action in Maine was apparent. Mercury fillings were promoted as “silver,” even though they have almost twice as much mercury as silver. I wanted to stop this marketplace deception, and, if you will, call a spade a spade. Thus, my bill calls the fillings “mercury dental amalgam,” and we insisted that both the poster and the cover of the brochure say exactly that.

In coordination with the Atlantic Provinces, New England has a zero mercury tolerance campaign. A major source of mercury is from

dental offices. The report *Dentist the Menace* says dental offices are the #1 source of mercury in the wastewater, and I have seen no evidence from the other side to rebut it. In my region, we had a compelling need to reduce the use of mercury in dental offices for environmental reasons alone.

In 2001 we again introduced the bill, adding an environmental component. Senator John Martin and Representative Scott Cowger, co-chairs of the Environment Committee, reported the bill favorably and, after robust debate, our bill was adopted. The Legislature was persuaded by the strong consumer support for the bill, especially from Pam Anderson of Houlton; from environmental groups, including Maine Toxics Action Coalition; and from individual Maine dentists and physicians, including Dr. Jerry Vermette of Skowhegan and Dr. Tom Anderson.

But we couldn't stop there. We wanted the bill implemented.

Your experience in California, Congresswoman Watson, was that the dental board blocked enforcement of the law. Let me add I am pleased that, testifying with me is Dr. Chet Yokoyama from Los Angeles, the dental board member from California who is trying the hardest to get a fact sheet written with real consumer disclosures.

In Maine, to insure that this legislation was implemented we gave the authority to write the poster and the brochure to the Health Department, not the Dental Board, and imposed a strict time line. Also, the Director of Health was also required to report back to the legislature in the following session with proposed rules, which we could then adopt or modify.

The first draft by the Department of Health fell far short of what our law required. But after a hearing, and again with intense involvement of consumer activists like Pam Anderson, Kathleen Mcgee, Rosemary Fecteau, and Marjorie

Monteleon, we persuaded the Department to write a strong disclosure statement.

Passage of this statement was harder than we expected, as the Maine Dental Association decided to oppose it. But we got it, and I am proud to unveil this first-in-the-nation work.

Dentistry is deeply divided over whether to continue using mercury fillings. The number of mercury-free dentists is growing rapidly. Most dentists I talk to realize that the end of mercury in dentistry is near. It could be for health reason, it could be for consumer protection reasons, it could be for environmental reasons -- or it could be all three. Although I have had differences with the American Dental Association on this issue, it does not stop me from speaking favorably about our dentists in Maine. Our dentists are important members of our community and are a vital aspect of our health care system. Maine dentists provide top quality care and show amazing compassion for their patients. They came forward this year to support strong environmental regulation of

mercury. They accepted and posted the brochure. As their Congressman, I want to support them in their effort to provide information to their patients as they work to ensure the health and well being of all Mainers.

Now, my fellow Members of Congress, it is time to take this issue nationally. The citizens of Maine sent me here to keep working on this issue and it is my hope that all Americans will gain access to information on dental amalgams.

In this case, I hope the expression “So goes Maine, so goes the nation” will ring true. I would be happy to assist the Subcommittee in any way I can.